

ORDINANCE NO. 1199B

**ORDINANCE ESTABLISHING COLLECTIVE
BARGAINING UNITS FOR COUNTY EMPLOYEES**

WHEREAS, I.C. 22-7-1-2 provides for, and it is the public policy of the State of Indiana and Lake County, that no worker or group of workers having a legal residence in the State of Indiana shall be denied the right to select his or their bargaining representative in this State, or be denied the right to organize into a local union or association to exist within and pursuant to the laws of the State of Indiana; and

WHEREAS, the citizens of Lake County have a fundamental interest in the development of harmonious and cooperative relationship between the County and its employees; and

WHEREAS, the acceptance of the principle and procedure of collective bargaining between the County and its employees can alleviate various forms of strife and unrest; and

WHEREAS, the County has a basic obligation to protect the citizens of Lake County by attempting to prevent any material interference with the normal governmental functions of the County.

NOW, THEREFORE, LET IT BE ORDAINED AS FOLLOWS:

1. That the preamble of this Ordinance heretofore mentioned be incorporated by reference to this Ordinance.
2. Rights of County.

Nothing in this ordinance shall be deemed in any way to limit or diminish the County's responsibility and authority to manage and direct on behalf of the citizens the operations and activities of County Government to the full extent authorized or permitted by law. Such responsibility and activity shall include but not be limited to:

- a. Direct the work of its employees;
- b. Establish Policy;
- c. Hire, promote, demote, transfer, assign and retain employees;

- d. Suspend or discharge its employees in accordance with applicable law;
 - e. Maintain the efficiency of public operations;
 - f. Relieve its employees from duties because of lack of work or other legitimate reason; and
 - g. Take any action necessary to carry out the mission of the department.
3. Representation and Collective Bargaining Unit.
- A. Whenever a petition has been filed with the County Commissioners:
 - i. By an employee's organization alleging that thirty percent (30%) of the full-time employees in an appropriate unit of County Government wish to be represented for collective bargaining by an exclusive representative, or assert that the designated exclusive representative is no longer the representative of the majority of employees in the unit; or
 - ii. By the County official or head of the unit of County Government alleging that one (1) or more employee's organizations have presented to it a claim to be recognized as the exclusive bargaining representative in an appropriate unit of County Government; or
 - iii. By an employee or group of employees alleging that thirty percent (30%) of the full-time employees assert that the designated exclusive representative is no longer the representative of the majority of employees in the unit of County Government.
- the County Commissioners shall follow the procedures as outlined in this section.
- B. The County Commissioners shall investigate the petition, and if it has reasonable cause to believe a question of representation exists, it shall provide for an appropriate hearing within thirty (30) days of the filing of the petition. If the County Commissioners find upon the record of the hearing a question of representation exists, it shall direct an election by secret ballot within thirty (30) days and shall certify the results within ten (10) days. An employees' organization will be certified as the

collective bargaining unit if it received a majority of over fifty percent (50%) of the votes of the employees in the unit of County Government eligible to vote. The County Commissioners may set aside the vote and declare a new vote if it determines a free and untrammelled election was not conducted because of unfair labor practices.

- C. In the event more than one employee organization is seeking certification:
 - i. Only those employees' organizations which have been designated by more than ten percent (10%) of the full-time employees in the unit of County Government eligible to vote shall be placed on the ballot;
 - ii. If after an election, one of the employees' organizations did not receive a majority of over fifty percent (50%) of the votes, but all the employees' organizations on the ballot, in the aggregate, did receive over fifty percent (50%) of the votes, of the full-time employees in the unit of County Government eligible to vote, a second election shall be held and only the employees' organization receiving the majority of the votes among all the employees' organizations shall remain on the ballot;
 - iii. If after an election the employees' organizations, in the aggregate, did not receive over fifty percent (50%) of the votes, of the full-time employees in the unit of County Government eligible to vote, no further election is required and no employees' organization shall be certified.
- D. An election shall not be held with any employees' organization or collective bargaining unit or with any subdivision thereof, with which a valid election has been held in the preceding twenty-four (24) month period.

4. Bargaining Unit.

Such factors as community of interest, wages, hours and other working conditions of the employees involved, the history of the collective bargaining, and the desires of the employees shall be considered in determining the appropriate unit for the purpose of collective bargaining.

In general, County employees without supervisory duties shall be included in a bargaining unit. County employees with supervisory duties, probationary employees, confidential employees and all other employees

Paragraph 3.E.

Existing Collective Bargaining Agreement.

In the event that at the adoption of this Ordinance, the County Commissioners have recognized or certified an employee organization as the exclusive representative of a unit of County government, the existing collective bargaining agreement with the employee organization shall remain in effect, and there shall be no election during the term of the agreement.

shall not be included in the bargaining unit.

- A. Supervisory duties means the authority, in the interest of the County employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward or discipline other employees, or the responsibility to direct other employees, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.
- B. Confidential employees means an employee whose unrestricted access to confidential personnel files or whose functional responsibilities or knowledge in connection with the issues involved in dealings between the employer and its employees would make his/her membership in an employee organization incompatible with his/her official duties.

5. Unfair Labor Practices.

- A. It shall be an unfair labor practice for a County employer to:
 - i. Interfere with, restrain or coerce employees in the exercise of the rights to form, join, or assist employee organizations, to participate in collective bargaining with employers through representatives of their own choosing and to engage in other legal activities, individually, or in concert, for the purpose of establishing, maintaining or improving terms and conditions of employment;
 - ii. Dominate, interfere with or assist in the formation or administration of any employee's organization, or contribute financial or other support to it; Provided a County employer shall not be prohibited from permitting employees to confer with him during working hours without loss of time or pay;
 - iii. Discriminate with regard to hiring or condition of employment to encourage or discourage membership in any employee's organization;
 - iv. Discharge or otherwise discriminate against an employee because he has filed a complaint, affidavit, petition or given any information or testimony under this ordinance;

v. Refuse to bargain collectively in good faith with an exclusive representative, including a representative recognized under the circumstances of Section 3 of this ordinance; or

vi. Fail or refuse to comply with any provision of this ordinance.

B. It shall be an unfair labor practice for an employee's organization or its agents to:

i. Restrain or coerce employees in the exercise of the rights to form, join, or assist employee organizations, to participate in collective bargaining with County employers through representatives of their own choosing and to engage in other legal activities, individually, or in concert, for the purpose of establishing, maintaining or improving terms and conditions of employment.

ii. Restrain or coerce a County employer in the selection of his representative for the purpose of collective bargaining or the adjustment of grievances;

iii. Cause or attempt to cause an employer to discriminate against an employee in violation of Subsection (a)(3) of this Section;

iv. Refuse to bargain collectively in good faith with a County employer, if the employee's organization is the exclusive representative; or

v. Fails to refuses to comply with any provision of this Ordinance.

6. Issues Subject to Bargaining.

The employees' representative shall represent the employees in the bargaining unit with respect to bargaining on the following subjects only:

A. Salary and pay schedules. including shift pay, overtime pay, holiday pay, clothing allowance, vacation schedules and accumulation, layoff procedures, grievance procedures, unscheduled duty pay, and the salary payable at each of the established steps of the step in grade pay;

B. Group medical insurance, life insurance and false arrest insurance, provided that the selection of insurance carriers shall not be a subject of bargaining. With respect to group insurance, the County

shall not be obligated to bargain about any plan or benefit that would cause or result in the existence of more than one group of County employees for group insurance purposes or more than one group insurance plan among County employees.

- C. With respect to grievance procedures, the County shall not be obligated to bargain about any procedure that would cause or result in the lessening or abrogation of the statutory authority of other County ordinances pertaining to safety.

7. Impasse and Advisory Mediation.

- A. In the event the parties are unable to develop a collective bargaining agreement pursuant to this ordinance, either party may declare an impasse has been reached and request advisory mediation. Upon such declaration and request, the parties shall as soon as possible request the Federal Mediation and Conciliation Service to assign a mediator or, in the alternative, the parties may request a list of five (5) mediators from which each party shall alternate in striking names until only one name is left, which person shall be the mediator. The recommendation and action of the mediator shall be advisory only and shall have no binding authority or effect on any of the parties. Any costs shall be shared equally by the parties.
- B. The parties may mutually agree to any other method of selecting an advisory mediator provided such method is likely to result in the selection of an impartial and knowledgeable mediator.

8. Strikes.

- A. It is unlawful for any County employee, public employee organization, or any affiliate, including but not limited to state or national affiliates, to take part in, assist, or advocate a strike, work stoppage, slowdowns, picketing or interference with or departures from the performance of duties against a County employer.
- B. Any County employer may in an action at law, suit in equity or other property proceeding, take action against any public employee organization, any affiliate thereof, or any person aiding or abetting in any action specified in Subsection A of this Section, for redress of such unlawful act.

C. Where any exclusive representative engages in any action specified in Subsection A of this section, or aids or abets therein, it shall lost its dues deduction privilege for one (1) year.

9. Approval.

To be effective, collective bargaining agreements made pursuant to this ordinance shall require approval by the County Commissioners, County Council, or any other County Department designated by the County Commissioners or County Council, and the Indiana State Board of Tax Commissioners, where provided by law.

10. A collective bargaining agreement may not include provisions in conflict with:

- A. Any right or benefit established by federal or state law;
- B. County employer rights as defined in Section 2 of this Ordinance;
or
- C. County employee rights as defined in 5.A.i.

11. The County shall on receipt of the written authorization or an employee, deduct from the pay of that employee any fees designated or certified by the appropriate officer of an employees' organization, and shall remit those fees to the employees' organization: Provided, that if an exclusive representative has been designated, the employer may not entertain a written or oral authorization on behalf of any other employees' organization from an employee in the bargaining unit: Provided, further that any such assignment may be revoked on a sixty (60) day written notice to the employer.

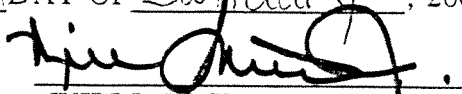
12. This ordinance provides the exclusive mechanism by which the County, the employees' organization, and the employees in the bargaining unit shall carry out collective bargaining. The County shall not attempt to deal directly with the employees in the bargaining unit in lieu of collective bargaining. Such an attempt shall be deemed an act of bad-faith bargaining. The employee's organization and the employees in the bargaining unit shall not attempt to deal directly County representatives except for those representatives designated by the County responsible for collective bargaining under this ordinance.

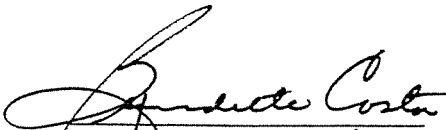
13. Nothing in this Ordinance shall preempt the rights, responsibilities, and duties of the Lake County Board of Commissioners with respect to

its executive powers as provided by law.

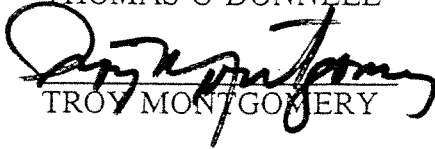
14. Nothing in this Ordinance shall preempt the rights, responsibilities, and duties of the Lake County Council with respect to its legislative and fiscal powers as provided by law.
15. Any section of this Ordinance, found to be unconstitutional or void for any other reason shall not effect the ability of the Lake County Council, to perform its responsibilities and duties under the remaining sections of this Ordinance.

SO ORDAINED THIS 18th DAY OF January, 2000.


WILLIAM SMITH, President

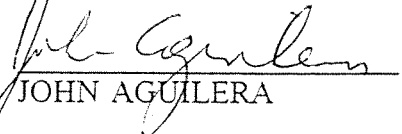

BERNADETTE COSTA


THOMAS O'DONNELL

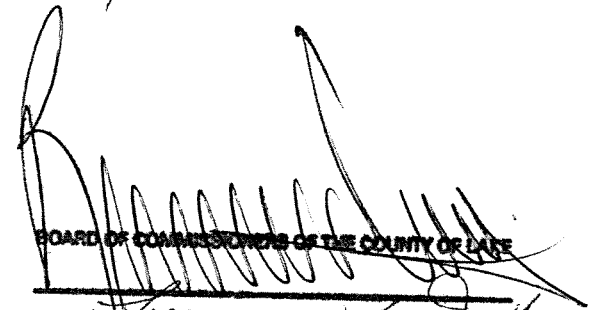
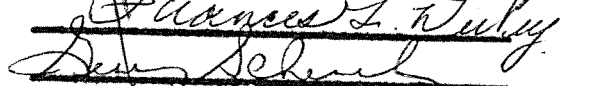

TROY MONTGOMERY


LARRY BLANGHARD


DONALD POTREBIC


JOHN AGUILERA

Members of the Lake County Council


BOARD OF COMMISSIONERS OF THE COUNTY OF LAKE
FRANCES L. DUFRY

APPROVED THIS 18th DAY OF January, 2000